

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ARCHIBALD CUNNINGHAM,

Plaintiff,

No. C 14-03250 WHA

v.

KEVIN SINGER, JOHN SCOTT
MCKAY, MICHAEL COOMBS,
TAMARA WOODS, DONALD EVANS
QUIDACHAY, LILLIAN SING, MING
LEE, T. MICHAEL YUEN, CANTIL
SAKAUYE, ANTHONY KLINE, JAMES
RICHMOND, RECEIVER SPECIALISTS,
and A. JAMES ROBERTSON, II,

Defendants.

**ORDER DENYING MOTION
FOR RECONSIDERATION**

The undersigned judge's recent order dismissed this action as frivolous and declared plaintiff Archibald Cunningham, a licensed attorney, a vexatious litigant subject to pre-filing review (Dkt. No. 113). Judgment was entered (Dkt. No. 114). Now, Cunningham has filed a motion for reconsideration.

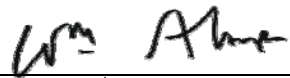
Under Rule 59(e), reconsideration is appropriate if the district court "(1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law." *School Dist. No. 1J, Multnomah County, Or. v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993). Under Rule 60(b), reconsideration is appropriate upon a showing of "(1) mistake, surprise, or excusable neglect; (2) newly discovered evidence; (3) fraud; (4) a void judgment; (5) a satisfied or discharged

1 judgment; or (6) 'extraordinary circumstances' which would justify relief." *Ibid.*

2 Cunningham's motion fails to satisfy any of the criteria for reconsideration. Cunningham
3 again recites the same claims regarding defendants' alleged conspiracy to violate his
4 constitutional rights through the unauthorized practice of law. None of these implausible
5 allegations is new, and the motion fails to identify any new evidence warranting reconsideration.
6 The motion then argues that the previous order's conclusion that Cunningham's claims were
7 frivolous amounted to a manifest error of law. This order disagrees. If Cunningham feels
8 differently, he can seek relief from our court of appeals. Plaintiff's motion for reconsideration is
9 **DENIED.**

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11 **IT IS SO ORDERED.**

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13 Dated: January 26, 2015.

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16 WILLIAM ALSUP
17 UNITED STATES DISTRICT JUDGE
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